UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,571	02/08/2002	Chris Hamilton	PW 249773 P13688	2588

27496   7590   03/11/2009
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EXAMINER
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ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
03/11/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 February 2002_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-41_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-41_ is/are rejected.
7)☒ Claim(s) _1_ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _08 February 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: line 7 of the claim

refers to "the data," where this should read "the data generated by a media producer."

Further, lines 9-10 refer to "the data from the editing platform;" however there is

improper antecedent basis for this in the claim. The examiner interprets this to mean

"the data generated by a media producer."   Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 22 and 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the

invention. Claims 22 and 36 are drawn to a program code storage device, comprising: a

machine-readable storage medium; and machine-readable code, stored on the

machine-readable storage medium. However, the terms "program code storage

device," and "machine-readable storage medium" do not appear in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claims 13 and 24 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. It is not understood as to what is meant by

"using various content recognition algorithms" as definitions or examples of the content

recognition algorithms are not explained in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

Claims 1-2, 4-10, 12-16, 21-31, and 34-37 are rejected under 35 U.S.C. 102(e)

as being anticipated by Logan et al (US PgPub 2003/0093790), hereinafter referred to

as Logan.

Regarding **claim 1**, Logan discloses audio and video program recording, editing

and playback systems using metadata. Further, Logan discloses an apparatus for

selectively reproducing recorded video program segments retrieved from a mass

storage device under the control of playlist metadata, which reads on the claimed, "a

home media server content management and processing system," as disclosed at

paragraph [0007] and exhibited in figure 1; the system comprising:

a remote editing station which may be at the broadcast facility or at a remote

location, which reads on the claimed, "an editing platform running editing software," as

disclosed at paragraph [0015] and [0065];

storage unit (103) which stores broadcast programming from a source (100),

which reads on the claimed, "a database, contained in the editing platform, to store

media producer specified multi-media content," as disclosed at paragraph [0045] and

exhibited in figure 1;

metadata which is created for each of a plurality of logically separate segments

of a program is stored for later processing or transmission in storage unit (113), which

reads on the claimed, "a set of instructions and data generated by a media producer to

assemble an edited program using specified segments of the multi-media content," as

disclosed at paragraphs [0045]-[0046];

a communications method or apparatus (130), such as the Internet, used to

transport metadata and/or content to the users, which reads on the claimed, "a network

to distribute the multi-media content, the set of instructions, and the data to home media

servers," as disclosed at paragraph [0050]; and,

at the user location, programming content are received from the remote location

via the communications link (130), the metadata that is provided from the remote

location via the communications pathway(s) (130) being used to selectively reproduce

programming, which reads on the claimed, "a home media server to receive the multi-

media content, the set of instructions, and the data from the editing platform via the

network, wherein the home media server emulates assembly of the edited program

using the multi-media content, the set of instructions and the data, and displays the

assembled edited program on a monitor," as disclosed at paragraph [0052].

Regarding **claim 2**, Logan discloses everything claimed as applied above (see

claim 1). Further, Logan discloses programming being received directly at the user

location, or the programming is published via the internet, which reads on the claimed,

"wherein emulating assembly of the edited program includes using data to search a

home media server storage medium and the Internet for multi-media content titles

specified by the media producer," as disclosed at paragraphs [0052] and [0063].

Regarding **claim 4**, Logan discloses everything claimed as applied above (see

claim 1). Further, Logan discloses metadata stored at (133) and individual segments

stored in storage unit (145), which reads on the claimed, "wherein the assembled edited

program is stored in the home media server," as disclosed at paragraph [0055].

Regarding **claim 5**, Logan discloses audio and video program recording, editing

and playback systems using metadata. Further, Logan discloses methods for

selectively reproducing recorded video program segments retrieved from a mass

storage device under the control of playlist metadata, which reads on the claimed, "a

method of providing home media server content management and processing," as

disclosed at paragraph [0007] and exhibited in figure 1; the method comprising:

classifying, describing, or otherwise identifying individual segments of a

broadcast programming at a remote editing station, the broadcast programming being

received by a source (100) and is saved on storage unit (103), which reads on the

claimed, "selecting, identifying, and storing by a media producer, of multi-media content

as files to a storage medium within an editing platform to form files of the multi-media

content," as disclosed at paragraphs [0015] and [0045];

metadata which is created for each of a plurality of logically separate segments

of a program is stored for later processing or transmission in storage unit (113), which

reads on the claimed, "generating, by the media producer using an editing software

program, a set of instructions and data for assembly of an edited program, said edited

program including specified segments from the files of the multi-media content," as

disclosed at paragraphs [0045]-[0046];

the content of broadcast programming received at the remote site may be

forward to the user location with or separately from the corresponding metadata, which

may be stored at (107), which reads on the claimed, "assembling the specified

segments using the set of instructions and data to form the edited program; storing the

edited program on the editing platform," as disclosed at paragraph [0049];

the metadata may include "fingerprint" or "signature" signal pattern that can be

compared with incoming broadcast signals to identify particular segments, and may

further include timing information, which specifies the beginning and ending of each

segment relative to the location of the unique signature, which reads on the claimed,

"analyzing, using a software program, endpoint frames of each segment used in the

assembly of the edited program, said analysis resulting in analysis data stored on the

editing platform," as disclosed at paragraphs [0054] and [0082];

a communications method or apparatus (130), such as the Internet, used to

transport metadata and/or content to the users, which reads on the claimed, "distributing

said files of the multi-media content, the set of instructions, the data, and the analysis

data to a home media server," as disclosed at paragraph [0050]; and,

at the user location, programming content are received from the remote location

via the communications link (130), the metadata that is provided from the remote

location via the communications pathway(s) (130) being used to selectively reproduce

programming, which reads on the claimed, "emulating assembly of the edited program

by said home media server using the files of the multi-media content, the set of

instructions, the data, the analysis data, and a home media server editing program, said

assembled edited program being stored in the home media server," as disclosed at

paragraph [0052].

Regarding **claim 6**, Logan discloses everything claimed as applied above (see

claim 5). Further, Logan discloses the programming content of the type typically

broadcast by television stations, disseminated via the Internet, published on DVD disks,

or programming published via the Internet, which reads on the claimed, "wherein the

multi-media content includes movies and music available through downloaded files via

the internet," as disclosed at paragraphs [0062]-[0063].

Regarding **claim 7**, Logan discloses everything claimed as applied above (see

claim 5). Further, Logan discloses stored segments may be identified by a file name, a

URL, or by some other unique access key, which reads on the claimed, "wherein

identifying of the multi-media content includes assigning titles, said titles stored as title

data on the storage medium within the editing platform," as disclosed at column [0079].

Regarding **claim 8**, Logan discloses everything claimed as applied above (see

claim 5). Further, the limitations of the claim are rejected in view of the explanation set

forth in claim 5 above.

Regarding **claim 9**, Logan discloses everything claimed as applied above (see

claim 8). Further, Logan discloses the content signal may be compressed using MPEG

and MP3, which reads on the claimed, "wherein the media files are stored in various

media formats, where video is stored as MPEG4 and audio is stored as MP3," as

disclosed at paragraph [0075].

Regarding **claim 10**, Logan discloses everything claimed as applied above (see

claim 5). Further, the limitations of the claim are rejected in view of the explanation set

forth in claim 5 above.

Regarding **claim 12**, Logan discloses everything claimed as applied above (see

claim 5). Further, the limitations of the claim are rejected in view of the explanation set

forth in claim 5 above.

Regarding **claim 13**, Logan discloses everything claimed as applied above (see

claim 12). Further, Logan discloses created metadata using various different methods

including using sound cues, recognizing repeat patterns, music recognition, character

changes, and visual cues, which reads on the claimed, "wherein specifying by the

media producer, using the editing software program, includes using various content

recognition algorithms," as disclosed at paragraphs [0138]-[0139], [0165], [0167],

[0169], [0173], and [0175].

Regarding **claim 14**, Logan discloses everything claimed as applied above (see

claim 12). Further, Logan discloses the available metadata may be used to select or

discard particular segments stored in storage unit (145), as well as the sequence in

which program segments are presented for playback may be modified, and

programming materials not necessarily included in with the originally broadcast

materials may be "spliced" in to the presentation, which reads on the claimed, "wherein

generating the set of instructions for assembly of the edited program includes

manipulating and sequencing of the specified segments by the media producer using

the editing software program, said manipulating including creating and storing a set of

manipulation instructions, said sequencing including producing and storing a sequence

order," as disclosed at paragraphs [0055]-[0056].

Regarding **claim 15**, Logan discloses everything claimed as applied above (see

claim 14). Further, the limitations of the claim are rejected in view of the explanation set

forth in claim 14 above.

Regarding **claim 16**, Logan discloses everything claimed as applied above (see

claim 14). Further, the limitations of the claim are rejected in view of the explanation set

forth in claim 5 above.

Regarding **claim 21,** Logan discloses everything claimed as applied above (see

claim 7). Further, the limitations of the claim are rejected in view of the explanation set

forth in claim 5 above.

Regarding **claim 22**, Logan discloses audio and video program recording, editing and playback systems using metadata. Further, the examiner maintains the claim is the corresponding computer program implementing the method of claim 5, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 5 above.

Regarding **claim 23**, Logan discloses everything claimed as applied above (see claim 22). Further, the examiner maintains the claim is the corresponding computer program implementing the method of claim 12, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 12 above.

Regarding **claim 24**, Logan discloses everything claimed as applied above (see claim 23). Further, the examiner maintains the claim is the corresponding computer program implementing the method of claim 13, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 13 above.

Regarding **claim 25**, Logan discloses everything claimed as applied above (see claim 23). Further, the examiner maintains the claim is the corresponding computer program implementing the method of claim 14, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 14 above.

Regarding **claim 26**, Logan discloses everything claimed as applied above (see claim 25). Further, the examiner maintains the claim is the corresponding computer program implementing the method of claim 15, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 15 above.

Regarding **claim 27**, Logan discloses everything claimed as applied above (see claim 25). Further, the examiner maintains the claim is the corresponding computer program implementing the method of claim 16, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 16 above.

Regarding **claim 28**, Logan discloses everything claimed as applied above (see claim 22). Further, the examiner maintains the claim is the corresponding computer program implementing the method of claim 6, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 6 above.

Regarding **claim 29**, Logan discloses everything claimed as applied above (see claim 22). Further, the examiner maintains the claim is the corresponding computer program implementing the method of claim 7, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 7 above.

Regarding **claim 30**, Logan discloses everything claimed as applied above (see claim 22). Further, the examiner maintains the claim is the corresponding computer program implementing the method of claim 8, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 8 above.

Regarding **claim 31**, Logan discloses everything claimed as applied above (see claim 30). Further, the examiner maintains the claim is the corresponding computer program implementing the method of claim 9, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 9 above.

Regarding **claim 34,** Logan discloses everything claimed as applied above (see claim 22). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 22 above.

Regarding **claim 35**, Logan discloses everything claimed as applied above (see claim 22). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 22 above.

Regarding **claim 36**, Logan discloses audio and video program recording, editing and playback systems using metadata. Further, the limitations of the claim are rejected in view of the explanation set forth in claim 22 above.

Regarding **claim 37**, Logan discloses everything claimed as applied above (see claim 36). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 21 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 11, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan, in view of Novak et al (US Patent 7,032,177), hereinafter referred to as Novak.

Regarding **claim 3**, Logan discloses everything claimed as applied above (see claim 2). However, Logan fails to disclose wherein emulating assembly of the edited

program includes using data to search, bid for, obtain rights to, schedule, and manage recording of broadcast, on-demand, and other media content. The examiner maintains that it was well known to include the missing limitations, as taught by Novak.

In a similar field of endeavor, Novak discloses a method and system for distributing personalized editions of media programs using bookmarks. Further, Novak discloses that the media program may be recorded by the editing device (402) from a broadcast medium, or downloaded from a server, such as a video-on-demand server, which reads on the claimed, "wherein emulating assembly of the edited program includes using data to search, bid for, obtain rights to, schedule, and manage recording of broadcast, on-demand, and other media content," as disclosed at column 8, lines 24-47 and exhibited in figure 4.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the discloses audio and video program recording, editing and playback systems using metadata of Logan to include that the media program may be recorded by the editing device (402) from a broadcast medium, or downloaded from a server, such as a video-on-demand server, as taught by Novak, for the purpose of providing a variety of content to a viewer that does not violate any applicable copyright laws.

Regarding **claim 11**, Logan discloses everything claimed as applied above (see claim 5). Further, the examiner maintains the claim is the corresponding method to the apparatus of claim 3, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 3 above.

Regarding **claim 38**, Logan discloses everything claimed as applied above (see

claim 36). Further, the examiner maintains the claim is the corresponding computer

program implementing the method of claim 11, and therefore the limitations of the claim

are rejected in view of the explanation set forth in claim 11 above.

Claims 17, 19-20, 32, and 39-41 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Logan, in view of Ellis et al (US Patent 5,436,653), hereinafter

referred to as Ellis.

Regarding **claim 17**, Logan discloses everything claimed as applied above (see

claim 5). However, Logan fails to disclose wherein the analysis includes at least one of

a fast fourier transform (FFT) of each end point frame to form media producer fast

fourier transform (FFT) data, and a decimation of each end point frame to form media

producer decimated data. The examiner maintains that it was well known in the art to

include the missing limitations, as taught by Ellis.

In a similar field of endeavor, Ellis discloses a method and system for recognition

of broadcast segments. Further, Ellis discloses the video and audio signals are

supplied to the segment recognition subsystem (26), wherein frame signatures for each

of the video and audio signals are generated which are thereafter compared to stored

key signatures to determine if a match exists, the match information grouped for storage

in a database, the video signals undergoing a vector transformation and the digitized

audio supplied to the transformation and signature extraction module (206) which

utilizes a FFT process for generating audio frame signatures and corresponding mask

words, which reads on the claimed, "wherein the analysis includes at least one of a fast

fourier transform (FFT) of each end point frame to form media producer fast fourier

transform (FFT) data, and a decimation of each end point frame to form media producer

decimated data," as disclosed at column 10, lines 15-32; column 12, lines 40-53; and

column 20, lines 13-17.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the audio and video program recording, editing

and playback systems using metadata of Logan to include the video and audio signals

are supplied to the segment recognition subsystem (26), wherein frame signatures for

each of the video and audio signals are generated which are thereafter compared to

stored key signatures to determine if a match exists, the match information grouped for

storage in a database, the video signals undergoing a vector transformation and the

digitized audio supplied to the transformation and signature extraction module (206)

which utilizes a FFT process for generating audio frame signatures and corresponding

mask words, as taught by Ellis, for the purpose of allowing a computer to identify

specific segments of a broadcast program.

Regarding **claim 19**, the combination of Logan and Ellis discloses everything

claimed as applied above (see claim 17). Further, the limitations of the claim are

rejected in view of the explanation set forth in claim 17 above.

Regarding **claim 20**, the combination of Logan and Ellis discloses everything

claimed as applied above (see claim 17). Further, the limitations of the claim are

rejected in view of the explanation set forth in claim 17 above.

Regarding **claim 32**, Logan discloses everything claimed as applied above (see claim 22). Further, the examiner maintains that the claim is the computer program implemented method of the method of claim 17, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 17 above.

Regarding **claim 39**, Logan discloses everything claimed as applied above (see claim 36). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 32 above.

Regarding **claim 40**, Logan discloses everything claimed as applied above (see claim 39). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 19 above.

Regarding **claim 41**, Logan discloses everything claimed as applied above (see claim 39). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 20 above.

Claims 18 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan, in view of Ellis, further in view of well-known prior art (see MPEP 2144.03).

Regarding **claim 18**, the combination of Logan and Ellis discloses everything claimed as applied above (see claim 17). Further, the examiner takes Official Notice that it was old and well known in the art to include wherein a video frame is represented by a two- dimensional fast fourier transform (FFT), and an audio frame is represented by a one- dimensional fast fourier transform (FFT).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Logan and Ellis to include

wherein a video frame is represented by a two- dimensional fast fourier transform (FFT), and an audio frame is represented by a one- dimensional fast fourier transform (FFT), for the purpose of allowing a computer to identify specific segments of a broadcast program.

Regarding **claim 33**, the combination of Logan and Ellis discloses everything claimed as applied above (see claim 32). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 18 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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